

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION

This Document Relates To:
Cheeseman v. Microsoft Corp.,
(No. 1:00-1269)

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: MDL DOCKET NO. 1332
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: Hon. J. Frederick Motz
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DECLARATION OF RANDOLPH S. SERGENT

I, Randolph S. Sergent, depose and state as follows:

1. I am associated with the firm of Venable LLP, attorneys for Microsoft in these actions.

2. Attached hereto as Exhibit A is a true and correct copy of the Settlement Agreement in *Elkins v. Microsoft Corp.*, No. 165-4-01 Wmcv (Vt. Super. Ct. May 27, 2004).

3. Attached hereto as Exhibit B is a true and correct copy of a portion of the Amended Complaint for Class Action Relief in *Richard L. Elkins and Ronald Rodjenski v. Microsoft Corp.*, No. 165-4-01 Wmcv. (Vt. Super. Ct. April 7, 2003).

4. Attached hereto as Exhibit C is a true and correct copy of a May 29, 2003 Order in *Elkins v. Microsoft Corp.*, No. 165-4-01 WmC (Vt. Super. Ct.).

5. Attached hereto as Exhibit D is a true and correct copy of the Final Judgment in *Elkins v. Microsoft Corp.*, No. 165-4-01 Wmcv (Vt. Super. Ct. April 27, 2005).

6. Attached hereto as Exhibit E is a true and correct copy of the July 28, 2005 Letter from David Tulchin to Jacob B. Perkinson.

7. Attached hereto as Exhibit F is a true and correct copy of the August 10, 2005 Letter from David Tulchin to Jacob B. Perkinson.


8. Attached hereto as Exhibit G is a true and correct copy of the August 23, 2005 Letter from Jacob B. Perkinson to David Tulchin.

9. Attached hereto as Exhibit H is a true and correct copy of the Order Approving Settlement in *Elkins v. Microsoft Corp.*, No. 165-4-01 Wmcv. (Vt. Super. Ct. April 27, 2005).

10. Attached hereto as Exhibit I is a true and correct copy of a portion of the plaintiffs' complaint in this action, filed December 16, 1999.

11. Attached hereto as Exhibit J is a true and correct copy of the Affidavit of Richard C. Bland on behalf of Settlement Administrator Poorman Douglas Corporation, sworn to February 24, 2004.

I declare under penalty of perjury that the foregoing is true and correct.



Randolph S. Sergent

Executed on: August 24, 2005